

LEGISLATIVE BILL 546

Approved by the Governor April 14, 2011

Introduced by Gloor, 35; Ashford, 20; Avery, 28; Campbell, 25; Carlson, 38; Christensen, 44; Dubas, 34; Hadley, 37; Hansen, 42; Harms, 48; McCoy, 39; Nelson, 6; Schilz, 47; Schumacher, 22; Smith, 14; Wightman, 36.

FOR AN ACT relating to the Building Construction Act; to amend sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2010; to change provisions relating to the state building code and local building or construction codes; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-6403, Revised Statutes Cumulative Supplement, 2010, is amended to read:

71-6403 (1) There is hereby created the state building code. The Legislature hereby adopts by reference:

(a) The International Building Code (IBC), ~~2000~~ 2009 edition, published by the International Code Council;

(b) The International Residential Code (IRC), ~~2000 edition,~~ 2009 edition, except section R313, published by the International Code Council; and

(c) The International Existing Building Code, 2009 Edition, published by the International Code Council.

(2) The codes adopted by reference in subsection (1) of this section shall constitute the state building code except as amended pursuant to the Building Construction Act or as otherwise authorized by state law.

~~(3) Whenever a new edition of the codes adopted in subsection (1) of this section is published, such new edition shall be considered the state building code.~~

Sec. 2. Section 71-6405, Revised Statutes Cumulative Supplement, 2010, is amended to read:

71-6405 All state agencies, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the Nebraska state colleges, shall comply with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code unless otherwise specifically authorized by statute to adopt or enforce a building or construction code other than the state building code. Nothing in the Building Construction Act shall authorize any state agency to apply such act to manufactured homes or recreational vehicles regulated by the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or to modular housing units regulated by the Nebraska Uniform Standards for Modular Housing Units Act. A state agency may, by rule or regulation, amend the state building code by adopting any supplement, ~~new edition,~~ or appendix of the International Building Code (IBC), ~~2000~~ 2009 edition, International Residential Code (IRC), ~~2000 edition,~~ 2009 edition, or the International Existing Building Code, 2009 Edition, referred to in section 71-6403, except that all amendments shall be approved in advance by the Director of Administrative Services. Amendments to the state building code may also include variations from the code which will reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within the state and may include adoption of section R313 of the 2009 edition of the International Residential Code.

Sec. 3. Section 71-6406, Revised Statutes Cumulative Supplement, 2010, is amended to read:

71-6406 (1) Any political subdivision may enact, administer, or enforce a local building or construction code if or as long as such political subdivision adopts the state building code. The political subdivision shall regularly update its code. For purposes of this section, a code shall be deemed to be regularly updated if the most ~~recent~~ recently enacted state building code is adopted by the political subdivision within two years after the publication date of the edition. No political subdivision may adopt or enforce a local building or construction code other than as provided by this section.

(2) A political subdivision may amend its local building or construction code if the amendment:

(a) Conforms generally with the state building code;

(b) Adopts a special or differing building standard by modifying or deleting any portion of the state building code in order to reduce unnecessary

costs of construction, increase safety, durability, or efficiency, or address special local conditions within its jurisdiction; ~~or~~

(c) Adopts any supplement, new edition, appendix, or component or combination of components of the state building code; ~~or-~~

(d) Adopts section R313 of the 2009 edition of the International Residential Code.

(3) A political subdivision may adopt and promulgate amendments for the proper administration and enforcement of its local building or construction code including organization of enforcement, qualifications of staff members, examination of plans, inspections, appeals, permits, and fees. Any amendment adopted pursuant to this section shall be published separately from the local building or construction code. Fees, if any, for services which monitor a builder's application of codes shall be negotiable between the political subdivisions involved, but such fees shall not exceed the actual expenses incurred by the political subdivision doing the monitoring.

(4) Notwithstanding the provisions of the Building Construction Act, a public building of a political subdivision shall be built in accordance with the applicable local building or construction code.

Sec. 4. Original sections 71-6403, 71-6405, and 71-6406, Revised Statutes Cumulative Supplement, 2010, are repealed.